

## **EXHIBIT T**

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SR 8832

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re: NEW YORK CITY ASBESTOS LITIGATION

RICHARD A. ARSENEAU et al.,  
Plaintiffs,

Action No. 01-Civ-10657  
(McKenna, J.)

- against -

SEQUOIA VENTURES, INC. d/b/a BECHTEL  
CORPORATION, et al.,  
Defendants.

New York State Supreme  
Court No. 00-120522  
(Lebedeff, J.)

PLAINTIFFS' MEMORANDUM OF LAW IN SUPPORT OF  
THEIR MOTION TO REMAND THIS CASE TO STATE COURT

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STATEMENT OF FACTS

It has been this firm's practice over the many years of this consolidated litigation in New York Supreme Court, which has involved thousand of asbestos personal injury suits, to file a Standard Asbestos Complaint against a general list of numerous (currently approximately 100) defendants, which have been identified as making, selling, using, incorporating, installing, or providing premises with asbestos or asbestos products. The causes of action in the complaint are stated generally and jointly against all the defendants: "During the course of [plaintiff's] employment, plaintiff was exposed to the defendants' asbestos and asbestos containing materials to which exposure directly and proximately caused him to develop an asbestos related disease." See Standard Asbestos Complaint, ¶160, a copy of which is appended in Exhibit A of Sequoia/Bechtel's Notice of Removal. The claims include negligent failure to warn, breach of express and implied warranties, defective product design, breach of duty to provide a safe and proper workplace, and loss of consortium.

As discovery proceeds, including interrogatories, document requests, and the depositions of Plaintiffs and other witnesses, many defendants are dismissed out of each case through various procedures. Some of the defendants are not served with the complaint, some are "stipulated out" of the case, and some file motions to dismiss or for summary judgment, which are either opposed or not opposed by the Plaintiff. When the motions are opposed by Plaintiff, an order typically is issued by the court granting or denying the motion.

The relevant facts and procedural history of Plaintiff's Arseneaults' case for purposes of this motion are as follows: Plaintiff's filed a standard Complaint against numerous defendants,

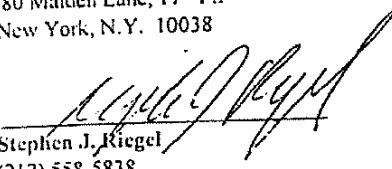
CONCLUSION

For the reasons presented here, Plaintiffs' motion to remand this case to New York State Supreme Court and for the payment of Plaintiffs' costs and expenses should be granted.

Dated: New York, N.Y.  
December 19, 2001

Respectfully submitted,

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